

FILED
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
vs.
Guadalupe HERAS De Melo-Samper and
Erick MELO-SAMPER Heras

Magistrate's Case No.

'07 MJ 3001

COMPLAINT FOR VIOLATION OF
21 U.S.C. 952 and 960

Unlawful Importation of a Controlled Substance

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about December 27, 2007, within the Southern District of California, defendants Guadalupe HERAS De Melo-Samper and Erick MELO-SAMPER Heras did knowingly and intentionally import approximately 26.90 kilograms (59.18 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Signature of Complainant
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this 28th day of December, 2007.

United States Magistrate Judge

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3 United States of America

4 VS.

5 **Guadalupe HERAS De Melo-Samper and**
6 **Erick MELO-SAMPER Heras**

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12 STATEMENT OF FACTS

13 On December 27, 2007, at approximately 1950 hours, Erick MELO-SAMPER Heras and
14 Guadalupe HERAS De Melo-Samper attempted to enter the United States from Mexico at the
15 San Ysidro Port of Entry, San Ysidro, California. MELO-SAMPER was the driver of a 2003
16 Mitsubishi Montero (CA/5PUK061) and was accompanied by HERAS.

17 MELO-SAMPER approached a Customs and Border Protection (CBP) Officer in the
18 primary lane. MELO-SAMPER presented a Border Crossing card for him and HERAS. The
19 primary CBP Officer obtained two negative Customs declarations. The CBP Officer asked
20 whose vehicle it belonged to and MELO-SAMPER stated that it was his. When asked why he
21 hadn't changed the registration, MELO-SAMPER did not give a clear answer. During
22 questioning, MELO-SAMPER spoke English the entire time. The vehicle was referred to
23 secondary for further inspection.

24 In the secondary inspection area, a CBP Canine Officer screened the vehicle. Utilizing a
25 Narcotic/Human Detector Dog, the Canine Officer received a positive alert for narcotics in the
26 rear undercarriage of the vehicle. A CBP Officer performed a 7-point inspection of the vehicle
27 and peeled up the carpet in the trunk area and noticed welding marks that appeared to be non-
28 factory. The floor was peeled up further, revealing various packages. A white powdery
substance, which field-tested positive for cocaine, was found on one of the packages. A total of
24 packages containing approximately 26.90 kilograms (59.18 pounds) of a white powdery

1 substance were removed from the non-factory compartment. MELO-SAMPER and HERAS
2 were arrested and escorted to the San Ysidro Port of Entry security office.

3 Agents advised MELO-SAMPER of his Miranda Rights in the Spanish language.
4 MELO-SAMPER acknowledged that he understood his rights and agreed to speak to agents
5 without the presence of counsel. Post Miranda, MELO-SAMPER stated that he met a Mexican
6 male named "Nacho" who offered to pay him \$100.00 a package to smuggle drugs across the
7 border. MELO-SAMPER was instructed to take the drug-laden vehicle to Willow Road in San
8 Ysidro where he was instructed to leave it and meet "Nacho" at the Outlet Center to be paid.

10 Agents advised HERAS of her Miranda Rights in the Spanish language. HERAS
11 acknowledged that she understood her rights and agreed to speak to agents without the presence
12 of counsel. Post Miranda, HERAS stated that she met the registered owner of the vehicle at a
13 store in Tijuana where he offered to pay her \$100.00 a package to smuggle drugs across the
14 border. HERAS told MELO-SAMPER about the smuggling venture and asked him to drive.
15 HERAS and MELO-SAMPER were instructed to take the drug-laden vehicle to Willow Road.

17 HERAS and MELO-SAMPER were arrested and charged with violation of Title 21 USC
18 952, 960, Unlawful Importation of a Controlled Substance, and were booked into the
19 Metropolitan Correctional Center, San Diego, CA.
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